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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

NOTICE OF POTENTIAL LIABILITY
AND EPA CONDUCT OF REMOVAL ACTION
URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Mr. Nasserudin Khan
Pathan Chemical Company, Inc.
427 E. Moyer Street
Philadelphia, PA 19125

AUG 17 1995

Re: Pathan Chemical Company Site
427 E. Moyer Street
Philadelphia, Pennsylvania

Dear Mr. Khan:

This letter confirms notification of potential liability, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9607(a), as amended (CERCLA), that you or your company may incur or may have incurred with respect to the above-referenced Site. Prior oral notification of potential liability was given to you on August 10, 1995, by EPA Civil Investigator, Lawrence H. Richardson. This letter also notifies you or your company of forthcoming removal activities at the site which you or your company may be asked to finance at a later date.

NOTICE OF POTENTIAL LIABILITY

The United States Environmental Protection Agency (EPA) has documented the release or threatened release of hazardous substances, pollutants, or contaminants at the above-referenced Site. EPA has spent, or is considering spending, public funds on actions to investigate and control such releases or threatened releases at the Site. EPA may perform these actions pursuant to Section 104 of CERCLA.

Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §§ 9606(a) and 9607(a), Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6973 (RCRA), and other laws, PRPs may be obligated to implement response actions deemed necessary by EPA to protect health, welfare or the environment, and may be liable for all costs incurred by the government in responding to any release or threatened release at the Site. Such actions and costs may include, but are not limited to, expenditures for

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investigations, planning, response, oversight, and enforcement activities. In addition, PRPs may be liable for damages to natural resources. EPA may issue an administrative order pursuant to Section 106(a) of CERCLA to require PRPs to commence cleanup activities. Failure to comply with an administrative order issued under Section 106(a) of CERCLA may result in a fine of up to \$25,000 per day, under Section 106(b) of CERCLA, and/or imposition of treble damages, under Section 107(c)(3).

EPA has evaluated information in connection with the investigation of the Site. Based on this information, EPA believes that you may be a PRP with respect to this Site. PRPs under CERCLA include current owners and operators of the Site, owners and operators at the time of disposal, as well as persons who arranged for disposal or treatment of hazardous substances sent to the Site, or persons who accepted hazardous substances for transport to the Site. By this letter, EPA notifies you and your company of your potential liability with regard to this matter and encourages you to voluntarily perform or finance those response activities that EPA determines are necessary at the Site.

SITE RESPONSE ACTIVITIES

On August 10, 1995, personnel from the EPA, the Philadelphia Fire Department, and the Philadelphia Bureau of Licenses and Inspections conducted an initial site assessment of the Pathan Chemical Company facility ("Site"). Some of the findings from this inspection included; an abandoned chemistry lab on the second floor with numerous containers of various potentially incompatible chemicals, numerous drums/containers of various chemicals containing (based on label information) corrosives, flammables, reactives, and poisons and drums/containers incompatibly and/or haphazardly staged. In addition, several of the drums and containers were observed in various stages of deterioration.

EPA has determined that the following response actions may be warranted at the Site. Depending on your intent and/or ability to conduct or takeover necessary response actions, EPA is planning on initiating actions at the Site, including but not limited to:

1. Prevention of unauthorized access;
2. Evaluation of structural integrity of the building and implementation of measures to ensure worker safety;
3. Segregating, staging and overpacking of drums or containers as necessary;
4. Sampling of drums/containerized material for disposal characterization; and
5. Proper disposal of hazardous substances.

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DECISION NOT TO USE SPECIAL NOTICE

Under CERCLA Section 122(e), 42 U.S.C. § 9622(e), EPA has the discretionary authority to invoke special notice procedures to negotiate formally the terms of an agreement between EPA and PRPs to conduct or finance response activities. Use of these special notice procedures triggers a moratorium on certain EPA activities at the site while formal negotiations between EPA and the PRP or PRPs are conducted.

In this case, EPA has decided not to invoke the Section 122(e) special notice procedures. It is EPA's policy not to use the special notice procedures for removals unless there is a 6-month planning lead time after the decision to respond and prior to the initiation of the action. Since the planning lead time prior to the initiation of this response action is less than 6 months, special notice procedures will not be used.

ADMINISTRATIVE RECORD

Pursuant to CERCLA Section 113(k), 42 U.S.C. § 9613(k), EPA will establish an administrative record that contains documents that form the basis of EPA's decision on the selection of a response action for a Site. The administrative record files, which contain the documents related to the response action selected for this Site, will be available to the public for inspection and comment. The primary location is the EPA Regional office located at 841 Chestnut Building, Philadelphia, PA 19107.

PRP RESPONSE AND EPA CONTACT

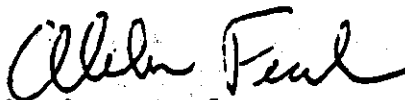
You are encouraged to contact EPA within 3 calendar days of receipt of this letter. You may be held liable under Section 107 of CERCLA for the cost of the response activities EPA performs at the site and for any damages to natural resources.

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not intended to be and cannot be relied upon as final EPA positions on any matter set forth herein. Your response to this notice letter should be sent to:

Kim Roy Young (3HW33)
U.S. Environmental Protection Agency
Removal Enforcement Section
841 Chestnut Building
Philadelphia, PA 19107
(215) 597-7976

If you have any questions of a technical nature, they may be addressed to Mr. Kim Young. Questions of a legal nature should be addressed to Ms. Bonnie Pugh, Assistant Regional Counsel, at (215) 597-8448.

Sincerely,



Abraham Ferdas,
Associate Division Director for
Superfund Programs
Hazardous Waste Management Division

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